

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

COLTON LOVELACE,)
ID # 12168-010,)
 Petitioner,)
vs.) **No. 3:16-CV-2205-M**
)
D.J. HARMON, Warden,)
FCI-Seagoville,¹)
 Respondent.)

**ORDER ACCEPTING FINDINGS AND RECOMMENDATION
OF THE UNITED STATES MAGISTRATE JUDGE**

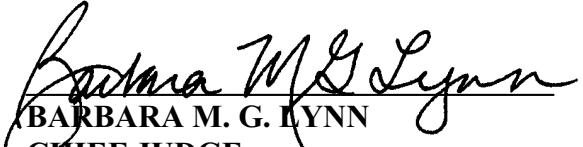
After reviewing all relevant matters of record in this case, including the Findings, Conclusions, and Recommendation of the United States Magistrate Judge for plain error, I am of the opinion that the Findings and Conclusions of the Magistrate Judge are correct and they are accepted as the Findings and Conclusions of the Court.

For the reasons stated in the Findings, Conclusions, and Recommendation of the United States Magistrate Judge, the petition for habeas corpus filed pursuant to 28 U.S.C. § 2241 is **DENIED** with prejudice.

A certificate of appealability (COA) is not required for a federal inmate to appeal a habeas case under 28 U.S.C. § 2241. *See Padilla v. United States*, 416 F.3d 424, 425 (5th Cir. 2005). If the petitioner files a notice of appeal, he must pay the \$505.00 appellate filing fee or submit a motion to proceed *in forma pauperis* and a properly signed certificate of inmate trust account.

¹ The petitioner designates the “United States of America” as the respondent. (doc. 1, at 1.) In a habeas corpus proceeding under § 2241, the correct respondent is the petitioner’s immediate custodian. *See Mounce g. Knighten*, 503 F.2d 967, 969 (5th Cir. 1974) (the only proper respondent in a habeas corpus proceeding is the custodian of the inmate). The Clerk of Court is directed to designate Eddy Mejia, Warden of FCI -Seagoville, where the petitioner is incarcerated, as the respondent.

SIGNED this 20th day of August, 2018.


BARBARA M. G. LYNN
CHIEF JUDGE